

Remarks

Claims 1-21 and 25-35 are pending. By this amendment, claims 17, 25 and 35 are amended and claims 22-24 are canceled. Claims 14-16 and 27-34 were previously withdrawn.

Applicant gratefully acknowledges the courtesies extended by Examiner Sorkin to Applicant's representative Mr. Hunt during the February 24, 2004 telephone conference. The substance of discussions during the telephone conference are incorporated into the following remarks.

I. Claims 1-13 are Allowed and Claims 24-26 Are Allowable

Item 13 of the Office Action allows claims 1-13. Item 14 of the Office Action indicates that claims 24-26 would be allowable if rewritten in independent form. Claim 17 is amended to incorporate the features of claims 22 and 24, claim 25 is amended to depend from claim 17, and claims 22-24 are canceled. Accordingly, claim 17, and claims 18-21 and 25-26 which depend from claim 17, should be allowable. Applicants gratefully acknowledge the Examiner's indication of allowable subject matter.

II. October 16, 2003 Information Disclosure Statement

Item 2 of the Office Action indicates that the October 16, 2003 may not have been matched with the file. However, a check of the PAIR database indicates that the October 16, 2003 Information Disclosure Statement has been received. During the telephone conference, Examiner Sorkin confirmed that he has the Information Disclosure Statement and attached information and will consider it. Applicant would appreciate the return of an initialed PTO Form 1449 acknowledging such consideration.

III. Drawings

Item 3 indicates that corrected drawings are required. A complete set of formal drawings for Figures 1-7D including the approved drawing corrections for Figures 1, 2 and 6 is attached.

IV. Rejection of Claim 35 and Restriction Requirement

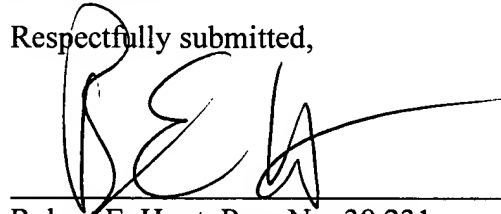
Item 4 of the Office Action rejects claim 35 under 35 U.S.C. §112, first paragraph, and Item 5 rejects claim 35 under 35 U.S.C. §112, second paragraph. Item 12 rejects claim 35 under 35 U.S.C. §102(b) over U.S. Patent 5,908,240 to Hood. As was confirmed by the Examiner during the telephone conference, the amendments to claim 35 (reciting that the means for transferring includes a rotary valve) obviate the §112 rejections. As discussed in the October 27, 2003 Amendment, Hood does not teach or suggest transferring a blend from a receptacle to a transfer pipe by a rotary valve. Accordingly, withdrawal of the §112 and §102 rejections of claim 35 is requested.

Claim 35 remains a linking claim between Groups I and II. Upon allowance of claim 35, Applicant expects the restriction requirement to be withdrawn and claims in Group II (claims 14-16 and 27-34) to be considered on their merits. See MPEP 809.03

V. Conclusion

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,



Robert E. Hunt, Reg. No. 39,231
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210
Telephone: (617) 720-3500

Docket No.: H0075.70076US00
Date: February 25, 2004
X02/25/04X